

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
S/S Fireoak Court, 255 ft.
E of Gatebridge Road
7 Fireoak Court
8th Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-292-A

Ronald B. Shaffer, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 6 ft. and a sum of side yard setbacks of 19 ft., in lieu of the minimum required 10 ft. and 25 ft. respectively, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of March, 1992 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 6 ft. and a sum of side yard setbacks of 19 ft., in lieu of the minimum required 10 ft. and 25 ft. respectively, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

-2-

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 3, 1992

Mr. and Mrs. Ronald B. Shaffer
7 Fireoak Court
Cockeysville, Maryland 21030

RE: Petition for Residential Zoning Variance
Case No. 92-292-A

Dear Mr. and Mrs. Shaffer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 7 Fireoak Ct.
Cockeysville, Md. 21030
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Current zoning does not allow space for
needed expansion of house, in particular enlarging
of bedroom. Bedroom is 10'x13'. To go back would give
less square room. This need to go sideways. Front room space is
limited in both due to steps.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Ronald B. Shaffer
AFFIANT (Handwritten Signature)
Ronald B. Shaffer
AFFIANT (Printed Name)

Kestie R. Shaffer
AFFIANT (Handwritten Signature)
Kestie R. Shaffer
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of January, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald Shaffer and Kestie Shaffer

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1/20/92
DATE
NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC
My Commission Expires:

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: PL-1 Date of Posting: 2/14/92
Posted for: Shaffer
Petitioner: Ronald B. Shaffer & Kestie R. Shaffer
Location of property: 7 Fireoak Ct., 21030, Cockeysville, Md.
Location of Sign: Living Room, 1st floor, near front door
Remarks: On file at Zoning Department
Posted by: [Signature] Date of return: 2/14/92
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

February 25, 1992

(410) 887-3353

Mr. & Mrs. Ronald B. Shaffer
7 Fire Oak Court
Cockeysville, MD 21030

RE: Item No. 311, Case No. 92-292-A
Petitioner: Ronald B. Shaffer, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Shaffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B02.3.B (208.3 in 1966) — To allow a side yard setback of 6 feet and a sum of side yard setbacks of 19 feet in lieu of the minimum required 10 feet and 25 feet, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty)

Current zoning does not allow space for needed expansion of house, in particular enlarging of bedroom. Bedroom is 10'x13'. To go back would give less square room. This need to go sideways. Front room space is limited in both due to steps.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of Jan, 1992, that the subject matter of this petition be posted on the property on or before the 14th day of Feb, 1992.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: _____ DATE: _____

Zoning Plans Advisory Committee Comments
Date: February 25, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

Your petition has been received and accepted for filing this
31st day of January, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald B. Shaffer, et ux
Petitioner's Attorney:

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD B. SHAFFER AND LESLIE R. SHAFFER
Location: #7 FIREOAK COURT
Item No.: 311 Zoning Agenda: FEBRUARY 31, 1992

Cent'lren:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plan for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *Robert W. Bowling* Noted and
Planning & Zoning Approved
Special Inspection Division Fire Prevention Bureau

CE/FEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 11, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 305, 309, 310, 311 and 312.

For Items 171 (Case #91-171-A) and 265 (Case #92-254-A),
the previous County Review Group Comments remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

TO: Julie Winiarski
Office of Zoning Administration and
Development Management
FROM: A. J. Haley, Deputy Director
Economic Development Commission
DATE: February 5, 1992
RE: Zoning Advisory Comments for Meeting of February 11, 1992

This office has no comment for items 305, 309, 310, 311 or 312.

RECEIVED
FEB 6 1992
ZONING OFFICE

Baltimore Co. Government
Office of Planning & Zoning

Mr. & Mrs. R. Shaffer
7 Fireoak Ct.
Cockeysville, Md. 21030

February 11, 1992

Ref: Case No. 92-292-A

re: Petition for Administrative Zoning Variance

This is to further explain the need to build our addition
sideways instead of to the back. The following points are noted:

1. The master bedroom is 10'13 feet and if we build to the rear
we would have a room 10'20+ feet which would be very undesirable
for us or for resale value.

2. When the neighborhood was built, the water from the steep
hill to the rear was supposed to disperse across all the
backyards on our side of the court. If we build back, we can
block this flow of water and cause ourselves a big problem. And
we don't want to build up close to the steep grade in the rear.

3. Also, to build to the rear would mean cutting down a 30 year
old shade maple tree. The shade is so effective, that we rarely
need to use air conditioning in the summer. So, it is
environmentally sound to save the tree.

Thank you for your consideration in these matters.

Ronald B. Shaffer
Ronald B. Shaffer
Leslie R. Shaffer
Leslie R. Shaffer

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 3, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 11, 1992

This office has no comments for item numbers 305, 309, 310, 311 and 312.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

RECEIVED
MAR 9 1992
ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
February 4, 1992
(410) 887-3353

Ronald B. Shaffer and Leslie R. Shaffer
7 Fireoak Court
Cockeysville, Maryland 21030

Re: CASE NUMBER: 92-292-A
LOCATION: S/S Fireoak Court, 255' E of Gettysburg Road
7 Fireoak Court
8th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
refresher regarding the administrative process.

1) Your property will be posted on or before February 16, 1992. The closing date is March 2, 1992.
The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the
closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order
will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that
the matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

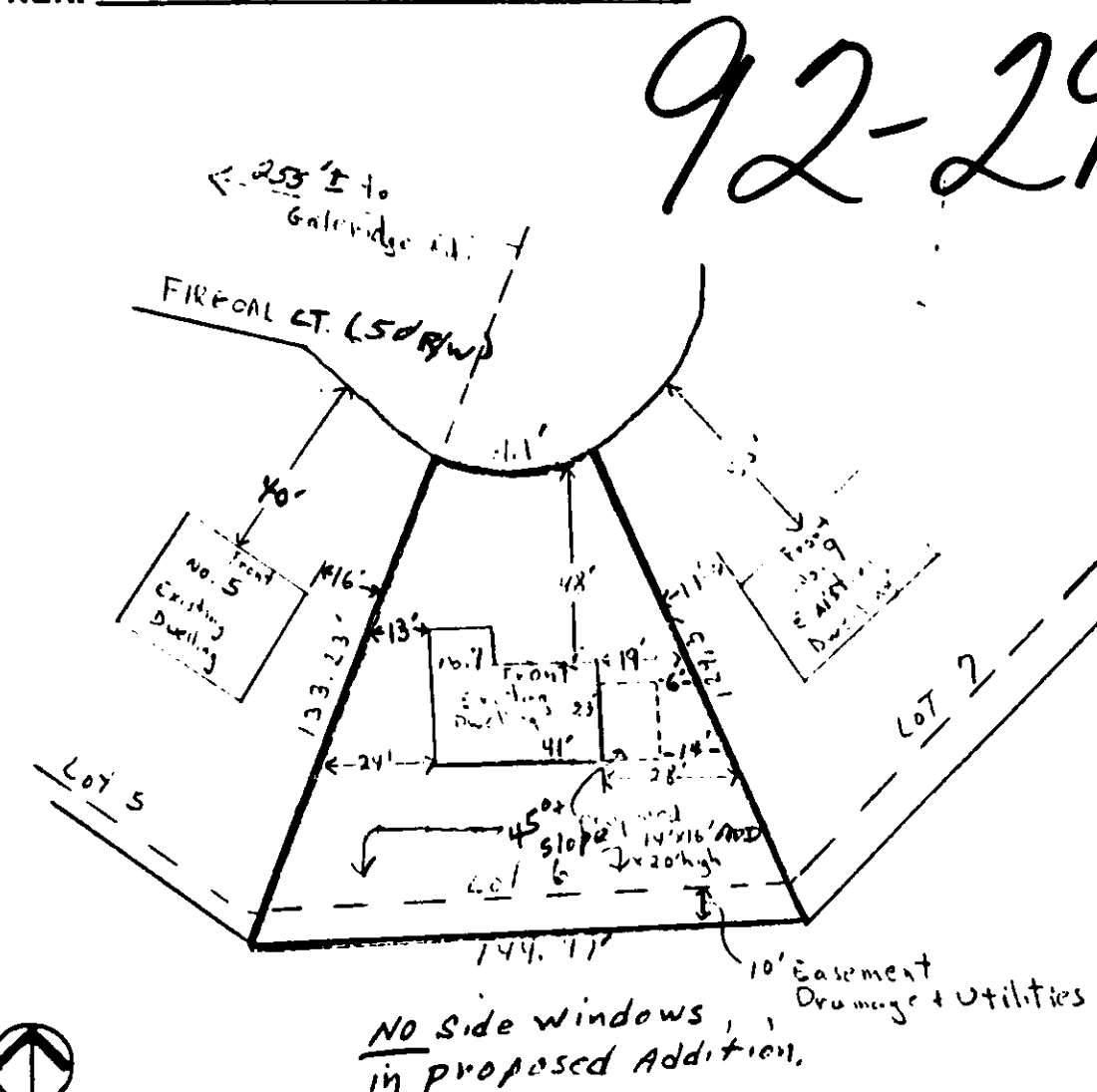
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

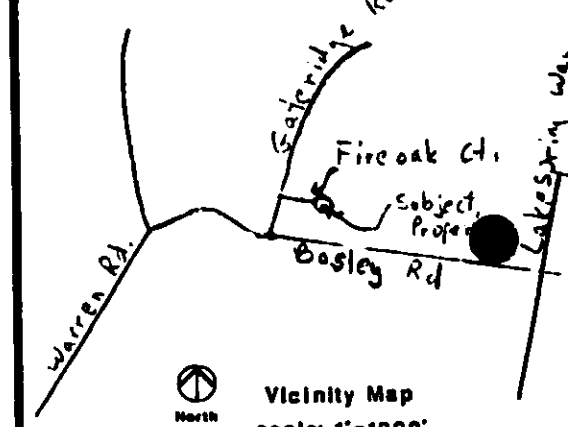
PROPERTY ADDRESS: 7 FIREOAK COURT see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: 5 FIREOAK COURT
plat book: 387, folios 145, 146, 147, 148, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

OWNER: Ronald & Leslie Shaffer



North
date: 2/3/92
prepared by: RBS Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Councilmanic District: 3

Election District: 8th

1"=200' scale map: N.E. 17A

Zoning: DR 3.5

Lot size: 0.24 acres 10,567 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearing: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

311

Dear Sirs,
Please note that
our addition is within our
Springdale covenants.
If we lived in other
parts of Springdale we
wouldn't have to get the
County's permission
however, our section
for some reason has a
different code.
Our covenant allows
30' 8" 12" - 16' 1" of 20 ft
border. We are going
7' - but they also allow
12" off without constituting
violation. * Therefore, as you
can read for yourself, we
are compliant. Sincerely,
S. H. H. H.

Ref: Case # 92-292-A
Re: Petition for Administrative
Zoning
Variance

Springdale
Directory
SPRINGDALE
COMMUNITY
ASSOCIATION,
INC.

SPRINGDALE COVENANTS
Springdale, Inc., shall have the right to
refuse to approve any such plans or
specifications or grading and location plan
which are not suitable or desirable, in its
opinion, for aesthetic or other reasons;
and in so passing upon such plans,
specifications, and grading and location
plan, it shall have the right to take into
consideration the suitability of the
proposed building or other structure, and of
the materials of which it is to be built,
to the site upon which it is proposed to
erect the same, the harmony thereof with
the surroundings and the effect of the
building or other structure or the roadway,
as planned, on the outlook from the adjacent
or neighboring property. No fence or wall shall
be erected, placed, or altered on any
lot nearer to any street than the minimum
setback line as provided hereinafter in
paragraph 3. Where two adjacent houses are
of different distances from the street, no
fence or wall between these two lots shall
be closer to the street than the front corner
of the house most distant from the street.
Fences, where permitted, shall not exceed
forty-two (42) inches in height and shall
not impede surface drainage. The restriction
in this paragraph shall not apply to
enclosures of open patios or open garden
courts and shall not apply to retaining walls
required by topography, which enclosures
and retaining walls shall require the
written consent and approval of Springdale,
Inc., as to location, size, height, materials
used, and type of construction.

3. SETBACK AREAS

(a) No portion of any building,
except open porches, eaves, bay windows, and
steps shall be located on any lot nearer to
the front lot line than the minimum building
setback lines shown on any plats for

* We do comply
subdivision or re-subdivision of the aforesaid
tracts of land.
(b) Any one side yard shall not be
less than eight (8) feet and the sum total
of the width of both side yards shall not be
less than twenty (20) feet. This side yard
restriction shall apply to any residential
structure or to any of said lots and also to
any garage and/or carport which is an integral
part of such residential structure.

(c) No side yard shall be required
for a detached garage located fifty (50) feet
or more from the minimum building setback line.

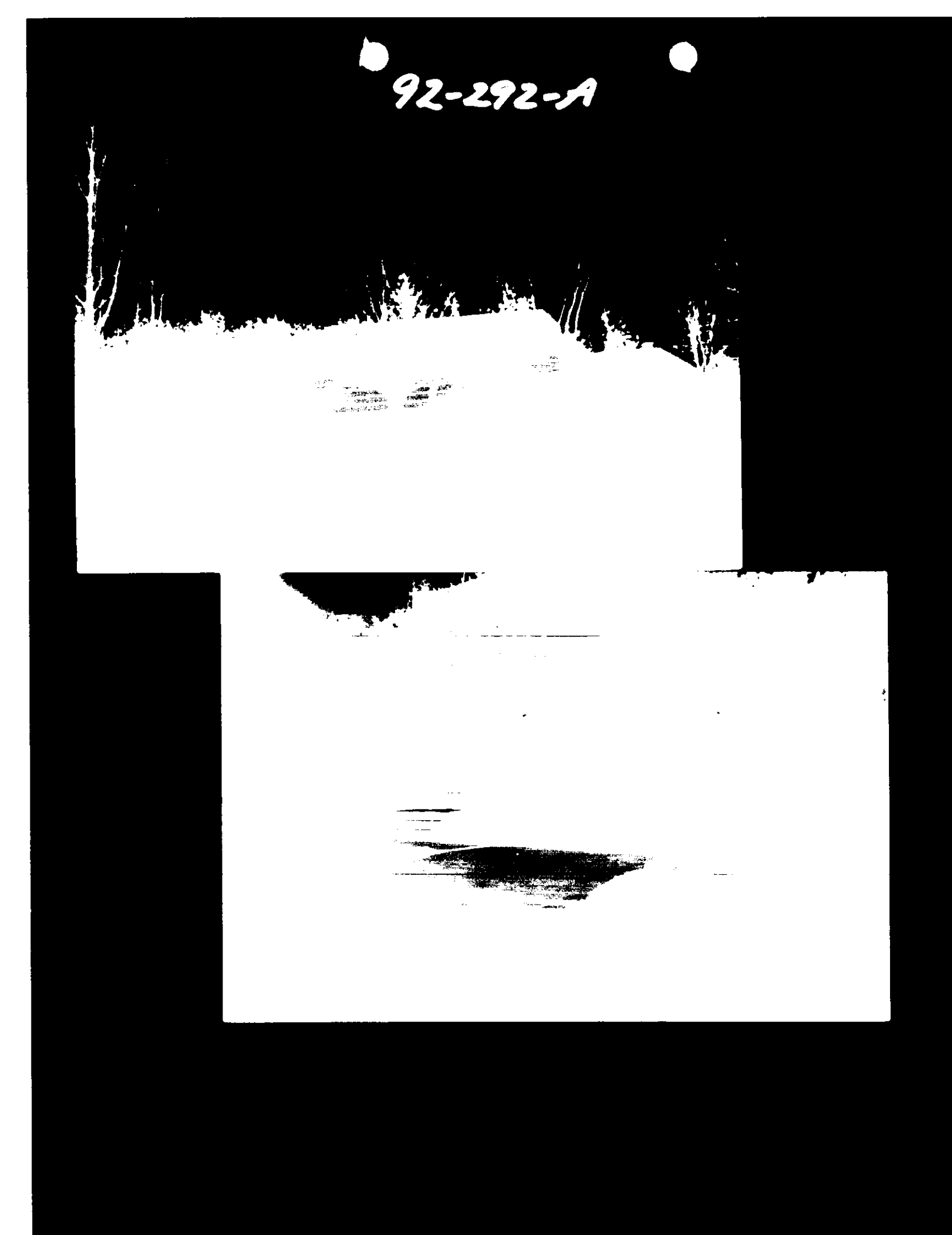
(d) On encroachment into the
aforesaid setback areas of not more than
twelve (12) inches shall not constitute a
violation of this restriction contained in
this paragraph 3 or of the setback restrictions
shown on any plats for the subdivision or
re-subdivision or any amendments thereof.

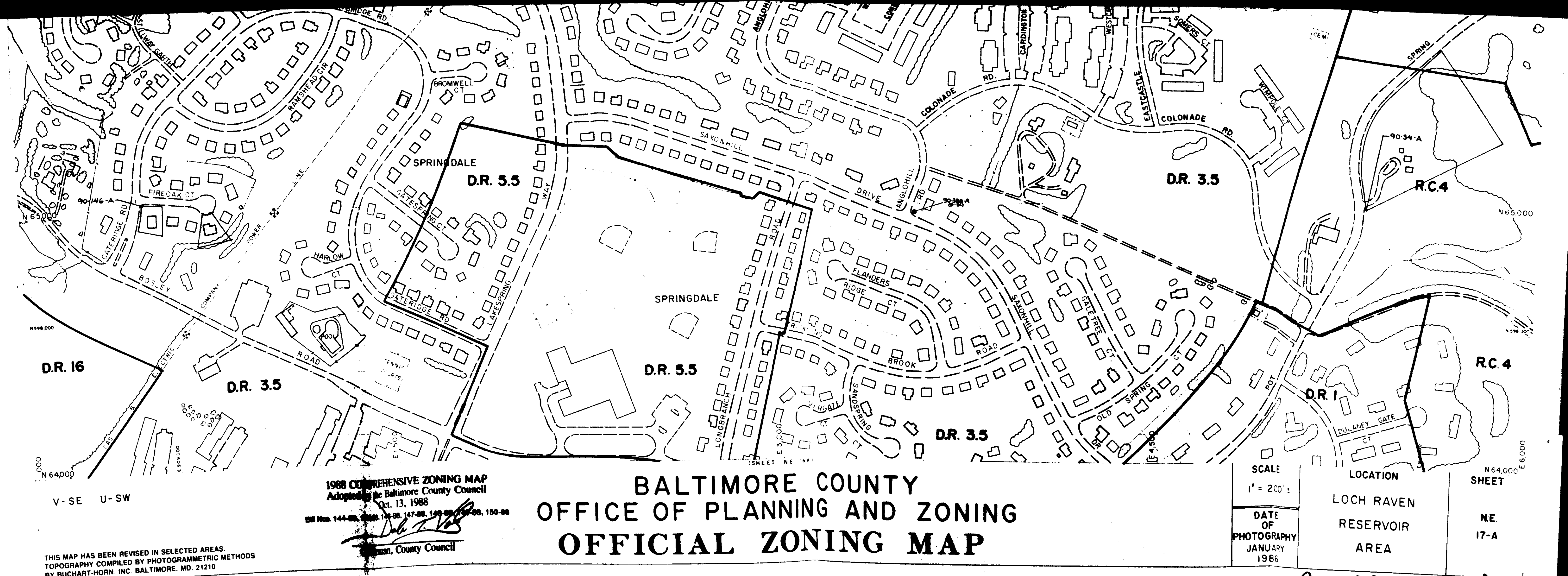
4. No residential structure shall be
erected on any building plot, the area of
which said plot is less than eight thousand
(8000) square feet.

5. No residential structure shall be
erected on any of the lots in said tract, the
ground floor of which (exclusive of one-story
open porches and garages) is less than nine
hundred (900) square feet in the case of a
one-story structure or less than six hundred
(600) square feet in the case of a one and
one-half, two or two and one-half story
structure.

6. No structure of a temporary character,
trailer, basement, tent, shack, garage, barn,
or other outbuilding shall be used on any lot
at any time as a residence, either temporarily
or permanently.

7. No noxious or offensive trade or
activity shall be carried on upon any building





92-292-A #311



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
LOCH RAVEN
RESERVOIR
AREA

SHEET
N.E.
17-A

92-292-A #311